

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PAUL STEPHEN KELLER,  
Plaintiff,  
  
v.  
SCOTT DEGOUGH, et al.,  
Defendants.

Case No. 1:21-cv-01707-JLT-EPG (PC)

ORDER DIRECTING THE CLERK OF COURT  
TO CLOSE THE CASE

(ECF Nos. 57 & 60)

On September 26, 2022, Plaintiff, a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action, filed a notice of voluntary dismissal and a motion for voluntary dismissal. (ECF No. 57). Plaintiff asks for dismissal without prejudice. He also appears to ask that each party bear its own costs and attorneys' fees. On October 5, 2022, Defendants filed a response, stating that they "stipulate to Plaintiff's request for a voluntary dismissal without prejudice, both sides to bear their own costs and attorney fees." (ECF No. 60, p. 1).

The Court construes these filings as a joint stipulation dismissing this action without prejudice and with each party bearing its own costs and attorneys' fees.

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1 In light of the parties' stipulation, this action has been terminated, Fed. R. Civ. P.  
2 41(a)(1)(A)(ii), and has been dismissed without prejudice and without an award of costs or  
3 attorneys' fees. Accordingly, the Clerk of Court is directed to close this case.

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5 IT IS SO ORDERED.

6 Dated: October 6, 2022

/s/ Eric P. Gray  
7 UNITED STATES MAGISTRATE JUDGE  
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